



COUNTY OF LOUDOUN
DEPARTMENT OF PLANNING

1 Harrison Street S.E. (P.O. Box 7000), Third Floor
Leesburg, Virginia 20177-7000
703-777-0246

RECEIVED

MAY 12 2011

LOUDOUN COUNTY
DEPARTMENT OF PLANNING

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS
PLEASE PRINT IN INK OR USE TYPEWRITER

Applicant (Owner) Brian and Carol Young
Mailing Address P.O. Box 146 Purcellville, VA. 20134
Phone Number (571) 252-8010 Email Address carolebcymail.com
Applicant Representative (Contact Person) Carol Young
Address Same
Phone Number Same Email Address Same
Project Location (Physical Address) 18671 Trinity Church Rd. Purcellville, VA. 20132
Tax Map/Parcel (PIN) Number 451147111A2 / 491-20-1601-000
Size of Parcel 3.3 acres
Election District Blueridge
Brief Project Description CAAM - approval for a 6 inch reduction in the required 35' minimum from any other road.

The information in this application is accurate to the best of my knowledge. I understand that the County may deny, approve, or conditionally approve that for which I am applying.

Applicant's Signature Carol Young Date 5/12/11

Owner: I have read this completed application, understand its intent, and freely consent to its filing. Furthermore, I grant permission to the Departments of Planning and Building and Development and other authorized government agents to enter the property and make such investigations as they deem necessary.

Owner's Signature Carol Young Date 5/12/11

Application Received By _____ Date 5/12/11

Application Number ~~0000~~ CAAM-2011-0002

Fee \$60.-

Receipt Number N/A

PHOENIX CONSTRUCTION MANAGEMENT INC.
D.B.A. COUNTRY LIVING ASSOCIATE
36788 STONE MEADOW LANE
PURCELLVILLE, VA. 20132



To: Mr. Mark Stultz
Deputy Zoning Administrator
1 Harrison Street, SE, First Floor
Leesburg, Va, 20177



Re: Young Property (pin# 491201601000) BRL Encroachment

Dear Mr. Stultz,

In accordance with paragraph 1-205 (L) of the Loudoun county zoning ordinance we are requesting a reduction in minimum setback due to an error in building location. The facts are as follows: The foundation of the detached garage has been installed with the right rear corner 6" into the B.R.L. The error was made during the original stake out with an incorrect understanding as to where the actual property line was located. The intent was to have the structure 55'(feet) in from the property line, but by error was located 34.5'(feet). The error amounts to 1.43% of the applicable minimum set back. The non-compliance was done in good faith, with no intent to benefit the owner in any way. The non-compliance will not be detrimental to the use and enjoyment of any adjacent property nor will it create any unsafe conditions. The existing foundation wall cannot be moved. To remedy the error and bring the structure into compliance would require the demolition of all or part of the existing structure at great expense to the owner and/or with damage to the structural integrity of the foundation wall. In its present configuration, the detached garage foundation is in accordance with the approval building plans and does not represent any increase in square footage. Thank you for your consideration. We understand that by approving our reduction request that other conditions, such as landscaping and screening measures may be required of us.

Cordially and for the owners,

John E. King

President

www.countrylivingassocva.com

office: 540-338-2338

fax: 540-338-3996

email: collvassoc@aol.com

CORRESPONDENCE SUMMARY

DATE: May 5, 2011

DETERMINATION NUMBER: 2011-0086.TS

SUBJECT: Administrative reduction in minimum yard due to error in building location, for property located at 18671 Trinity Church Rd, Purcellville

1972 ORDINANCE REFERENCE NUMBERS:

1993 ORDINANCE REFERENCE NUMBERS: 1-205(L)*

OTHER APPLICABLE REFERENCE NUMBERS: B10128060100*, Z10128060102*, CAAM 2011-0001, CAPP 2010-0018

TAX MAP/PARCEL: /45//47///1A2/

MCPI: 491-20-1601

Correspondence Summary: A 6-inch reduction in the required 35-foot minimum yard from any other road is granted per 1-205(L) due to an error in building location.

PROPERTY OWNER(S): YOUNG, BRIAN CHARLES & CAROL DIANE
PO BOX 146
PURCELLVILLE, VA 20134-0146

Author: Theresa M. Stein

*Indicates where to file

Is this a determination? Check one: Yes X No



Loudoun County, Virginia

www.loudoun.gov

Department of Building and Development
Zoning Administration / MSC# 60
1 Harrison Street, S.E., P.O. Box 7000, Leesburg, VA 20177-7000
Administration: 703-777-0397 • Fax: 703-771-5215

May 5, 2011

Mr. John E. King, President
Phoenix Construction Management
D.B.A. Country Living Associate
36788 Stone Meadow Lane
Purcellville, VA 20132

RE: Reduction in minimum required yard from a private access easement due to error in building location, for property located at 18671 Trinity Church Rd, Purcellville ("Property")

TAX MAP/PARCEL: /45//47///1A2/ **MCPI:** 491-20-1601

Dear Mr. King:

This letter is in response to your April 21, 2011 request to Mark Stultz, Deputy Zoning Administrator, in which you asked for an administrative reduction in the minimum required yard pursuant to Section 1-205(L) for the above Property. The error was made during the "original stake out with an incorrect understanding as to where the actual property line was located". Specifically, you ask to reduce the minimum required yard by 6-inches.

The Property is zoned Agricultural Rural – 1 (AR-1), under the Revised 1993 Loudoun County Zoning Ordinance ("Ordinance"). Section 2-103(A)(3)(c) of the Ordinance requires a 35-foot minimum yard from any other road right-of-way, private access easement or any prescriptive easement. According to the active zoning permit (Z10128060102), the detached garage was shown 55' from Trinity Church Road; however, as you stated in your letter, during the original stake out, there was a misunderstanding as to the location of the property line, so that the garage was located 34.5-feet from Trinity Church Road instead of the required 35-feet, resulting in a 6-inch encroachment into the minimum required yard.

Section 1-205(L) gives the Zoning Administrator the authority to approve a reduction in the minimum yard in the case of a building existing or partially constructed that does not comply with a required yard, provided that criteria (a) through (f) are met. As the error does not exceed 10% of the required yard, the reduction will not increase the density permitted, and other criteria are met, the reduction in the minimum required yard based on an error in building location is granted. The required minimum yard along Trinity Church Road for the detached garage will hereafter be 34.5-feet.

Also, for your information, the Property is within the Goose Creek Historic District. A Certificate of Appropriateness Amendment (CAAM 2011-0001) was approved in February of 2011, which showed the detached garage as 53' from Trinity Church Road. An additional amendment may be necessary to revise the location of the garage. Please contact Heidi Siebentritt, Historic Preservation Planner, at 703-771-5115 for additional information.

This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligations to comply with all applicable Zoning Ordinances and other County Ordinance requirements. This opinion is based upon the text of the Zoning Ordinance as it exists as of the date of this letter, and such Ordinance text is subject to change.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within thirty days to the Board of Zoning Appeals in strict accordance with Section 15.2-2311 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Zoning Appeals may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

If you have any additional questions, please let me know.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Theresa M. Stein', with a stylized flourish at the end.

Theresa M. Stein, Planner
Zoning Administration

cc: Jim Burton, Supervisor, Blue Ridge Election District
Mark Stultz, Deputy Zoning Administrator
Heidi Siebentritt, Planner, Department of Planning
Nancy Konopa, Planner, Zoning Permits
Property Owner